



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/576,721	01/26/2007	Yoshikatsu Seino	290087US0PCT	4373
22850 7590 05/20/2010 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER				
MCALL, JOSEPH				
ART UNIT		PAPER NUMBER		
1793				
NOTIFICATION DATE		DELIVERY MODE		
05/20/2010		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

ADVISORY ACTION (*continued*)

The request for reconsideration has been considered but does NOT place the application in condition for allowance because: applicant has not made any amendments to the claims since prior to examiner issuing a final rejection. Furthermore, applicant presents the same grounds of argumentation already addressed in the previous office action (final rejection).

Response to Arguments

1. Applicant's arguments filed on April 30th, 2010 have been fully considered but they are not persuasive.

Applicant's chief ground of argumentation is on the issue of the washing temperature being 100° C or higher. Firstly, applicant engages in a piecemeal attack on both references, instead of properly addressing the combination of the two references. As such, in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Furthermore, as MPEP 2144.05 [R-5] Section II-A states, "Generally, differences in concentration or temperature will not support the patentability of subject matter encompassed by the prior art unless there is evidence indicating such concentration or temperature is critical. '[W]here the general conditions of a claim are disclosed in the prior art, it is not inventive to discover the optimum or workable ranges by routine experimentation.'" This is such a case, as primary reference Koyama discloses such washing with an aprotic organic solvent such as NMP. Thus, it is not inventive to discover the optimum range of washing temperature. Finally, with regards to the showing of criticality of the washing

Art Unit: 1793

temperature range, applicant has provided no evidence to support such a conclusion. If applicant would like to argue such a ground, a declaration showing criticality in washing temperature should be submitted.

As this is the only ground of argumentation presented and as the applicant has not argued against the secondary rejections other than repeating the above ground of argumentation, applicant's argumentation is not persuasive.

/Joseph V Micali/

Examiner, Art Unit 1793

/J.A. LORENZO/

Supervisory Patent Examiner, Art Unit 1793